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DEC 21 2009

UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION
NO. CR08-00154-03

VERSUS

DANIEL MORRIS

JUDGE DEE D. DRELL
MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record including the objections filed herein, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that Morris' Section 2255 motion to vacate, set aside, or correct sentence (Doc. 163) is DENIED AND DISMISSED WITH PREJUDICE.

In so ruling, we have the following additional observations. At Defendant's guilty plea hearing we took pains to ensure that Defendant was satisfied with his attorney. The following two colloquies appear therein:

THE COURT:

Q. So there are a number of questions that I have to ask you to assure myself that yours is a valid plea. And if at any time you don't understand what I'm asking you, it's perfectly fine for you to stop and turn aside from the microphone and talk to Ms. Marak before you answer, okay.

A. Yes, sir. . . .

* * *

- Q. You understand why you're here today?
- A. Yes, sir.
- Q. All right. Mr. Morris, I want you to understand as I kind of indicated before, you have a right to have the assistance of counsel in all stages of the proceedings against you. Have you had, do you think, an ample opportunity to discuss the charge with Ms. Marak?
- A. Yes, sir.
- Q. Are you satisfied to have her assist you in the case?
- A. Yes, sir.

While not always dispositive of issues prescribed in a § 2255 application, this record is devoid of any doubt that, at least at the time of his guilty plea, Defendant was entirely satisfied with the assistance provided by his counsel. He expressed no reservation, nor, the colloquy reflects, did he even remotely suggest that the search or his statements were non-consensual. He also did not inform the Court of his newly created suggestion that he was under the influence of drugs at the time. His current representations to this Court are nothing less than astounding!

THUS ORDERED AND SIGNED in Chambers at Alexandria, Louisiana,
on this 19th day of December, 2009.

A handwritten signature in black ink, appearing to read "Dee D. Drell", is written over a horizontal line.

DEE D. DRELL
UNITED STATES DISTRICT JUDGE